

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TANIELLE SHURNEY,

Plaintiff,

vs.

No. CA 05-196 Erie
CIVIL ACTION
ELECTRONICALLY FILED PLEADING

**SCOTT'S ECONO INN, INC.
SCOTT'S SPLASH LAGOON, INC.**

**SEAN PIERCE, INDIVIDUALLY AND
IN
HIS CAPACITY AS A TROOPER OF
THE PENNSYLVANIA STATE POLICE**

**JOHN DOE, INDIVIDUALLY AND IN
HIS CAPACITY AS THE SUPERVISOR
OF TROOPER SEAN PIERCE OF THE
PENNSYLVANIA STATE POLICE**

Defendants

**DEFENDANTS' RULE 26(f) JOINT
DISCOVERY PLAN**

Filed on behalf of Scott's Splash Lagoon,
Inc.

Counsel of Record for these parties:

Gary D. Bax, Esq.

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PA38520

JURY TRIAL DEMANDED

DEFENDANTS' RULE 26(f) JOINT DISCOVERY PLAN

NOW COME the Defendants, and submit the following proposed joint discovery plan pursuant to F.R.C.P. 26(f), as follows:

1. Identification of counsel:

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Attorneys for Scott's Econo Inn, Inc.

2. This is a civil rights lawsuit that arises pursuant to 42 U.S.C. §1983, based on the July 3, 2004 arrest of Tanielle Shurney on charges of theft by deception and using an access device for fraud. The claims against Defendants Econo Lodge, Inc. and Scott's Splash Lagoon, Inc. are based on state tort law claims of false arrest.

3. A Rule 26(f) conference among the parties was conducted by fax and telephone on and after October 13, 2005.

4. A Rule 16 initial scheduling conference, as scheduled by the Court, is scheduled for November 21, 2005, at 9:00 a.m.

5. It is anticipated that the Defendants will file motions for summary judgment in this lawsuit, after the conclusion of the deposition of police officer Jon Hurley of the Streetsboro, Ohio Police Department, the deposition of a complaining witness, Tonya Traylor, and Plaintiff's deposition.

6. The parties have not discussed and have not selected any alternate dispute process. The Defendants consider the claims of the Plaintiff to be without merit and intend to proceed with summary judgment motions.

7. All of the parties have made F.R.C.P. 26(a) disclosures. Accordingly, the Defendants do not foresee any changes regarding the timing, form, or requirements of these disclosures.

8. The subjects on which fact discovery may be needed include the following:
- a. the criminal history of Plaintiff Tanielle Shurney;
 - b. the facts surrounding reservations made for Econo Lodge and Scott's Splash Lagoon;
 - c. the identification of the owner of the credit card used for reservations;
 - d. the instructions received by employees of Econo Lodge and Scott's Splash Lagoon from police officers; and
 - e. Plaintiff's liability and damages contentions.
9. The Defendants suggest the following pre-trial schedule:
- a. the initial disclosures of the parties have been exchanged;
 - b. the Defendants do not anticipate the joinder of any additional parties;
 - c. the Defendants see no present need for the amendment of any pleadings;

- d. discovery shall be completed by March 1, 2006;
- e. the Defendants do not suggest that discovery be conducted in phases, or limited or focused on particular issues;
- f. the Plaintiff's expert reports should be filed by April 1, 2006;
- g. the depositions, if any, of Plaintiff's expert should be completed by May 1, 2006;
- h. the Defendants' expert reports should be filed by June 1, 2006; and
- i. the depositions, if any, of Defendants' experts should be completed by July 1, 2006.

- 10. Each Defendant requests permission to conduct up to five depositions without further leave of the Court, and to propound up to fifty interrogatories, including subparts.
- 11. There is no need to appoint any special master.
- 12. Settlement is unlikely.
- 13. All of the Defendants submit this Joint Discovery Plan and request its approval.

Respectfully submitted,

MURPHY TAYLOR, L.L.C.

By: “s/” Gary D. Bax, Esq.

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Defendants

CERTIFICATE OF SERVICE

Filed on behalf of Scott's Splash Lagoon,
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JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Defendants' Rule 26(f) Joint Discovery Plan was electronically served upon all counsel of record, this the 15th day of November, 2005:

Respectfully submitted,

MURPHY TAYLOR, L.L.C.

By: "s/" Gary D. Bax, Esq.

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